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December 22, 2023

Via ECF

Hon. P. Kevin Castel
U.S. District Court, Southern District of New York
500 Pearl St.
New York, NY 10007

Re: Sphere 3D Corp. v. Gryphon Digital Mining, Inc., 1:23-cv-02954-PKC

Dear Judge Castel:

We represent Defendant Gryphon Digital Mining, Inc. ("Gryphon") in the above-captioned matter. We write with the consent of counsel for Plaintiff, Sphere 3d Corp. ("Sphere"). There are no conferences presently scheduled before the Court.

On December 21, 2023, Sphere filed its premotion letter setting forth the basis for Sphere's anticipated motion to dismiss Gryphon's counterclaims. Pursuant to Rule 3.A.iii of Your Honor's Individual Practices, the current deadline for Gryphon's response to Sphere's Premotion Letter is December 27, 2023. In light of the upcoming holiday weekend, the parties have agreed to extend the deadline for Gryphon to respond to Sphere's Premotion Letter to January 3, 2024.

Additionally, the parties respectfully request that the briefing schedule for Sphere's motion to dismiss be revised as follows: Sphere's motion to dismiss be due January 17, 2024; that Gryphon's opposition be due February 9, 2024; and that Sphere's reply be due March 1, 2024.

Respectfully submitted,

/s/ Dennis H. Tracey, III
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cc: All Counsel of Record (via ECF)